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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Implementation of Section 309(j)
of the Communications Act
Competitive Bidding

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PP Docket No. 93-253

REPLY COMMENTS OF NATIONAL PUBLIC RADIO

National Public Radio (NPR) submits reply comments in response to comments in the above-referenced proceeding. NPR is a nonprofit, noncommercial organization that provides programming and interconnection services to 486 full-service public radio stations, and represents them in developing and maintaining a viable and diverse public radio service for the American public.

In these reply comments, NPR wishes to express support for the position taken by the Association of America's Public Television Stations (APTS) in regard to two particular issues.

Broadcast Auxiliary and Subcarrier Services Should be Exempt from Competitive Bidding Procedures

APTS asks the Federal Communications Commission (Commission) to exclude Broadcast Auxiliary Services and subcarriers, among other services, from competitive bidding procedures.¹ NPR agrees

¹See APTS comments at page 3.

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with APTS's assertion that the Budget Act House Report clearly intended that Broadcast Auxiliary and subcarrier services should be exempt from competitive bidding procedures. NPR's member stations depend on Broadcast Auxiliary services to bring listeners national programs such as NPR's MORNING EDITION and ALL THINGS CONSIDERED, along with local news, public affairs, and music programming. Stations also use their subcarriers to provide radio reading services for the blind and other types of specialized services to listeners in their communities. Public radio stations would be adversely affected if the Commission were to decide to include these services among those subject to competitive bidding. NPR urges the Commission to make clear in its final rules that Broadcast Auxiliary and subcarrier services are excluded from competitive bidding procedures.

APTS's Proposal to Give Credit to DBS Providers for Spectrum They Set Aside for Noncommercial Use is Fair and Creative

In its comments, APTS addresses the question raised by the Commission of whether mass media services other than broadcast television and radio should be subject to competitive bidding. The Commission cited Direct Broadcast Satellite (DBS) service as an example.

APTS points out that although DBS is a subscriber service, and would therefore be subject to competitive bidding procedures, the Cable Television Consumer Protection and Competition Act of 1992 requires that four to seven percent of its capacity be set

aside for "noncommercial programming of an educational nature."² Assuming that this provision is found to be constitutional,³ APTS proposes that bidders only be required to pay for the portion of the DBS spectrum that they will use for commercial purposes. APTS suggests that the Commission give each DBS applicant a credit based upon the amount of spectrum it proposes (or is required) to set aside for noncommercial programming.

Although radio does not presently have a DBS-type service, there are several applications pending at the Commission that seek to establish a satellite Digital Audio Radio Satellite (DARS).⁴ In numerous filings before the Commission and the NTIA, NPR has advocated that the Commission set aside a portion of the proposed satellite DARS capacity for public use.⁵ The Commission should consider taking an approach similar to that proposed by APTS to any future satellite digital audio radio service, assuming that

²See APTS comments at page 5.

³See APTS comments at page 5-6, note 3.

⁴See applications of American Mobile Radio Corp. (File No. 26/27-DSS-LA-93, 10/11-DSS-P-93); Digital Satellite Broadcasting Corp. (File No. 28-DSS-LA-93, 12/13-DSS-P-93); Primosphere Limited Partnership (File No. 29/30-DSS-LA-93, 16/17-DSS-P-93); and Satellite CD Radio (File Nos. 49/50-DSS-P/LA-90, 58/59-DSS-AMEND-90, and 44/45-DSS-AMEND-92) For Authority to Construct, Launch, and Operate a Digital Audio Radio Service Satellite System in the 2310-2360 MHz Frequency Bands.

⁵See, e.g., NPR comments, filed November 13, 1990, and joint comments of NPR and the Corporation for Public Broadcasting, filed January 29, 1993, in FCC Docket No. 90-357, "Amendment of the Commission's Rules with regard to the Establishment and Regulation of New Digital Audio Radio Services." See also, NPR comments, filed November 6, 1992, in NTIA Docket No. 920532-2132, "Current and Future Requirements for the Use of Radio Frequencies in the United States."

there is such a set-aside and that the service is subject to competitive bidding.

NPR believes that the proposal put forward by APTS is a fair and creative way to encourage DBS applicants to allocate spectrum for noncommercial educational use. It has been carefully crafted to be beneficial both to DBS applicants and noncommercial educational programming providers, and as such it would greatly benefit the public interest by making available to DBS subscribers public service programming that would otherwise likely be unavailable to them. NPR urges the Commission to give favorable consideration to the APTS proposal.

Respectfully submitted,



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